



## TRUCKS TRANSPORTING HAZARDOUS MATERIALS

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### Who is a "motor carrier" for purposes of California Highway Patrol (CHP) regulation?

According to Section 408, California Vehicle Code (VC), a motor carrier is the registered owner, lessee, licensee, or bailee of any vehicle set forth in Section 34500 VC, who operates or directs the operation of any such vehicle on either a for-hire or not-for-hire basis. In some cases, a person becomes a motor carrier solely because that person transports hazardous materials as defined in federal or state laws. Section 34500(g) VC identifies hazardous materials transporters as motor carriers, whether the hazardous materials are transported in an amount which requires hazard warning placards or not. Certain limitations, to the extent the regulations apply, are based on the amount of hazardous material transported and the size of the truck.

### What is a hazardous material?

Any substance or material defined in Title 49 of the Code of Federal Regulations (49 CFR), Section 171.8 that is capable of causing an unreasonable risk to human health or safety or the environment when transported by vehicle, used incorrectly, or not properly stored or contained, is a hazardous material. Hazardous materials can be a liquid, a solid, or a gas. Examples of hazardous materials are explosives, flammables, corrosives, radioactive materials, and poisons. Transportation of such materials is highly regulated to ensure the safety of the motoring public.

When transported in vehicles, activities associated with hazardous materials transportation (packaging, identifying, loading, and warning the public of the hazard) are regulated by the CHP and the U. S. Department of Transportation (USDOT). Most of California's hazardous material safety regulations are found in Title 13 of the California Code of Regulations, Division 2, Chapter 6. The federal hazardous material safety regulations are found in 49 CFR, Parts 171 through 180. To determine if the materials you are transporting are hazardous, consult the Material Safety Data Sheet (MSDS) from the manufacturer. Another resource is the Pipeline and Hazardous Materials Safety Administration, who maintains a website to assist with hazardous materials transportation information at: <http://www.phmsa.dot.gov/>.

### I have a pickup truck which I use to transport janitorial supplies. Is my vehicle subject to the CHP safety regulations? I do not transport anything commercially or for hire.

Whether or not you transport property for hire is not the determining factor. Many janitorial supplies are chemicals which are classed as hazardous materials by the USDOT. Consult the MSDS from the manufacturer of the supplies, or look for diamond-shaped (square on point) colored labels on cans, barrels, cylinders, tanks, drums or other packages; those are hazard warning labels. If your business involves transporting those packages or picking up the empty containers, you are subject to at least some of California's motor carrier safety regulations and hazardous materials transportation regulations. There are also materials which are not required to have hazard warning labels, but when transported, still cause you to be subject to certain safety regulations. When in doubt, contact the CHP and ask to speak with an officer who specializes in hazardous materials transportation matters, or to a CHP Motor Carrier Specialist, either of whom can provide the answers you need.

### When is a Hazardous Materials Transportation License (HMTL) required?

An HMTL is issued by the CHP and is required by California law (Section 32000.5 VC) for the transportation of:

- Hazardous materials shipments for which the display of hazard warning placards is required (1,001 lbs. for most materials, any amount for certain high-hazard materials); or
- Hazardous materials shipments of more than 500 pounds, being transported for a fee, which would require hazard warning placards if shipped in greater amounts in the same manner.

General requirements regarding the transportation of hazardous materials are governed by Sections 31301-34510 VC. Laws and regulations governing the transportation of explosives, inhalation hazards and radioactive materials are more restrictive than those concerning the transportation of hazardous materials in general.

### What about the CHP's inspection program known as the Biennial Inspection of Terminals (BIT) Program? If I rarely transport a placardable amount of hazardous materials in my truck, do I have to participate in BIT?

Yes. However, if you can arrange your loads in such a manner that you *never* transport hazardous materials in quantities requiring placards and you never transport hazardous materials in quantities that require you to possess a valid HMTL issued by the CHP, then you will not be subject to the BIT Program, unless the type of trucks you operate are subject to the BIT Program for other reasons. Remember, the key word is *never*. Just one trip changes everything. Also, cargo tanks (cargo storage tanks with a capacity of more than 119 gallons, which are attached to a vehicle) are a different matter—those containers are regulated equipment even when transporting only residue of hazardous materials.

### Am I required to participate in the BIT Program before I can transport hazardous materials?

If you are applying for a new (initial) HMTL after January 1, 2008, you must apply for, and receive a satisfactory BIT inspection rating at each terminal from which your hazardous material vehicles are operated. The CHP can not issue you a HMTL until this takes place. There is a process to operate under a temporary HMTL for a 60-day period while arrangements are made to complete these BIT inspections. Needless to say, 60 days is not a lot of time to schedule and complete the inspections. Careful coordination with the CHP is necessary to ensure there is no disruption in your ability to transport hazardous material. Motor carriers with an unsatisfactory inspection history in the past three years will not be issued new HMTLs.

### Do I have to get a CA number from the CHP, and display it on both sides of my truck?

This question refers to the California Carrier Identification (CA) numbers issued by the CHP to all motor carriers, and all motor carriers of property (a separately-defined group) who operate in California, for the purpose of automating the CHP's records of inspections and on-highway safety information. Any truck used to transport hazardous materials in quantities requiring the display of hazard warning placards on the truck, or requiring

the organization that directs the operation of the truck to possess a HMTL, must display a CA number unless it is already displaying a valid **Cal-T number** issued by the California Public Utilities Commission (used household goods carriers only) or a **USDOT number** issued by the USDOT. Note that the requirement to have a CA number and the requirement to display it are two different things—many persons are not required to display their CA number for the reasons just discussed, but they are required to *have* one. If you need a CA number, you may obtain an application from any CHP office—the application is called CHP 362, *Motor Carrier Profile*. Internet users may print out a copy of the application from <http://www.chp.ca.gov>, under Publications. If by the time you read this the web page has moved, use a search utility to find references to “motor carrier profile” as a search term.

### **Do I have to put my name and address on both sides of my truck?**

If you transport property for hire in any truck, or transport hazardous materials in quantities requiring the truck to display hazard warning placards, you must display your company name (which could be simply your personal name, if you are operating regulated vehicles as an individual without a fictitious business name) on both sides of the vehicle, or if towing a trailer, on at least one vehicle in the combination of vehicles. The name must be large enough to be clearly legible from a distance of 50 feet in normal daylight. California laws and regulations do not require the address to be displayed, but if you are subject to the Federal Motor Carrier Safety Regulations, you should check with your local office of the Federal Motor Carrier Safety Administration for marking requirements that apply to your vehicles. That agency is listed in the government pages of your telephone book under “United States Government Offices.”

### **Do I have to stop at the scales operated by the CHP?**

The drivers of all commercial vehicles must stop at the scales when signs direct them to do so. Often, the scales may post signs that allow you to pass the scales without stopping. For example, if a sign is posted near the approach to the scales that says “No Pickups,” then pickup trucks do not have to stop. If a sign stating “Loaded Trucks Stop at Scales” is posted, and neither your truck nor any trailer you may be towing are carrying anything in their cargo areas, then you do not have to stop.

### **Is there anything else I need to know to operate my truck legally in California?**

If your truck has a gross vehicle weight rating (GVWR) of more than 10,000 pounds, you need to know about the Motor Carrier Safety Improvement Act of 1996, because your truck or your activities may cause you to be defined as a motor carrier of property (MCP), and require you to obtain a permit. The definition of MCP includes trucks with a GVWR of more than 10,000 pounds or *any* motor vehicle when used to transport any property for hire, including courier services. Trucks that are not subject to registration fees (government, special mobile equipment, etc.) and buses are excluded from MCP permit requirements.

Except for carriers of used household goods, (moving and storage companies), there is no distinction between for-hire trucking companies and private truck users (those who use trucks as an incidental part of another activity or business), except that for-hire trucking companies will pay a statewide Uniform Business License Tax (UBLT) fee, and private motor carriers will not (they pay local taxes instead). Also, many persons who have one or more trucks are regulated as private motor carriers of property even if their trucks are operated for personal purposes other than in the furtherance of a business. For full details on whether your use of one or more trucks causes you to be subject to the Motor Carrier Permit program, contact the CHP at (916) 445-1865, or the DMV at (916) 657-8153.

To apply for a Motor Carrier Permit, contact the DMV at (916) 657-8153. Internet users may print a copy of the application form, DMV 706, *Application for Motor Carrier Permit*, at <http://www.dmv.ca.gov/forms/mcp/mcp706app.pdf>.

**ABOUT THIS INFORMATION SHEET:** The information contained in this document does not contain all requirements relative to hazardous materials transport, and is intended solely to advise persons who transport hazardous materials that there are specific federal and state laws and regulations governing such transportation. Persons who transport such materials are obligated to learn California requirements applicable to their transportation operations, and to keep current with changes in laws and regulations as they occur. In addition to laws and regulations governing the transportation of hazardous materials, county and city governments may establish local ordinances governing the manufacture or storage of specific materials within their jurisdictions.